

THE OBJECTION TO THE AMENDMENTS OF THE SPECIFICATION

In the Office Communication objection was made to certain amendments made in the specification in the Amendment filed February 3, 2005. For example, the expression "initial resource" was amended to read -- first means --, and the expression "third indication resource" was amended to read -- third means of indication --. Also, the phrase "throttle re-application" was changed to read -- go-around. --

In the Office Communication it was stated that these phrases allegedly have different scopes and different meanings. Applicants respectfully disagree with this statement.

In particular, paragraph 35 U.S.C. §112, ¶6 states the following:

"… An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof."

It is respectfully submitted that the substituted expressions are inherently equivalent to the expressions which have been replaced and therefore are now expressed as a "means" expression in accordance with 35 U.S.C. §112. For example, "initial" resource is now correctly referred to as "first means" and "third indication resource" is now correctly referred to as third means of indication. Both of these pairs of expressions are the clear equivalents of each other, and the substituted expressions are clearly supported by the original disclosure. Lastly, "throttle re-application" has been changed to "go-around" which inherently equivalent to each other.

ENTRY OF THE SUBSTITUTE SPECIFICATION

The substitute specification was not entered because it allegedly did not conform to 37 C.F.R. §1.125(b)(c). With respect to the substitute specification it is respectfully submitted that a certification as required by 37 C.F.R. §1.125(b) was included on page 41 of the Amendment. Accordingly, withdrawal of the refusal to enter the substitute specification is respectfully requested.